

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. 2011-\_\_\_\_-C**

IN RE: Petition of the Office of Regulatory	)	
Staff for Commission to Order a	)	PETITION OF THE OFFICE OF
Rule to Show Cause as to Why	)	REGULATORY STAFF FOR A RULE TO
The Certificates of	)	SHOW CAUSE AS TO WHY
Public Convenience and	)	CERTIFICATES OF PUBLIC
Necessity for Certain Providers of	)	CONVENIENCE AND NECESSITY
Telecommunications Services	)	SHOULD NOT BE REVOKED
Should Not be Revoked	)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2010).

2. The Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2010).

3. The Telecommunications Companies listed in Exhibit A are certificated "telephone utilities" as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

4. The Telecommunications Companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (Supp. 2010). Further, these Telecommunications Companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

5. The Telecommunications Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 2010).

6. ORS has the responsibility to ensure that telephone utilities are filing annual reports and certain special reports. “Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or to keep itself informed or which it is required to enforce.” S.C. Code Ann. § 58-9-370(A) (Supp. 2010). As well, Commission regulations provide:

[t]he telephone utility shall file the following documents and information:

1. Annual Report. Each telephone utility operating in the State shall file an annual report with the commission and provide a copy to the ORS, giving such information as the commission may direct.”

26 S.C. Code Regs 103-612.1.

7. The Telecommunications Companies listed in Exhibit A have failed to file annual reports for the year ending 2010 (due April 1, 2011).

8. Pursuant to 26 S.C. Code Regs 103-830.B.1, “if a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief

Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition.” In order to assist the Commission in serving this Petition on the Respondents, the Office of Regulatory Staff has provided information in Exhibit A as to the status of each Telecommunications Company and whether the entity is a foreign or domestic business entity. S.C. Code Ann. §§ 15-9-210, 240, 245 (1976), set forth the procedures for serving foreign and domestic business entities.

9. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit B, Affidavit of Jeanne Gordon.

10. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (Supp. 2010).

11. Pursuant to S.C. Code Ann. §58-9-1120 (Supp. 2010), “the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A.

2. For the persons and business entities listed in Exhibit A, pursuant to 26 S.C. Code Regs. 103-830.B.1, cause a copy of this petition to be served upon such named respondents or other proper person or entity within 14 days of the filing of the petition.

3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission's rules and regulations.

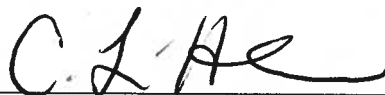
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. §58-9-820 (Supp. 2010).

5. Pursuant to 26 S.C. Code Regs 103-846.C, take judicial notice of the Commission's records in that the required annual reports have not been filed for the companies listed in Exhibit A.

6. Find that the Telecommunication Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.

7. Enter a final order canceling the Certificates of Public Convenience and Necessity held by the carriers listed in Exhibit A.

8. For other appropriate action which the Commission may deem necessary.



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C. Lessie Hammonds, Esquire  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
Phone: 803-737-0800  
Fax: 803-737-0895

June 29, 2011  
Columbia, South Carolina

## OUT OF COMPLIANCE - DOCKET #2011--C

Exhibit A

	OrganizationName	Registered Agent	Secretary of State status	Foreign or Domestic	Docket #	Order #	Date Certificate Issued
1	<b>Bellerud Communications, LLC</b> Thomas Biddix - Manager 6905 N Wickham Rd, Ste 403 Melbourne, FL 32940	National Registered Agents, Inc. 2 Office Park Ct, Ste 103 Columbia SC 29223	Good Standing	Foreign	2000-318-C	2000-858	10/24/2000
2	<b>DialTone &amp; More, Inc.</b> Thomas Biddix - Manager 6905 N Wickham Rd, Ste 403 Melbourne, FL 32940	National Registered Agents, Inc. 2 Office Park Ct, Ste 103 Columbia SC 29223	Good Standing	Foreign	1998-50-C 2005-123-C	1998-394 2005-455	5/29/1998 8/25/2005
3	<b>EnTelegent Solutions, Inc.</b> David Gibson - VP of Operations 3800 Arco Corporate Dr Ste 310 Charlotte NC 28273	National Registered Agents, Inc. 2 Office Park Ct, Ste 103 Columbia SC 29223	Good Standing	Foreign	2009-133-C	2009-469	7/14/2009

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2011-\_\_-C**

June 28, 2011

IN RE: Petition of the Office of Regulatory	)	
Staff for Commission to Order a	)	
Rule to Show Cause as to Why The	)	
Certificates of Public Convenience	)	AFFIDAVIT OF
and Necessity for Certain Providers	)	JEANNE GORDON
of Telecommunications Services	)	
Should Not be Revoked	)	

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Database Manager – Special Projects in the Telecommunications, Transportation, Water and Wastewater Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) It is the regular business practice of ORS to maintain certain business records required to be filed by telecommunication carriers that are subject to the jurisdiction of the PSC.
- 4) As part of my job duties and responsibilities, I review all annual report information received from telecommunications carriers under the jurisdiction of this Commission.
- 5) On June 28, 2011, I examined the business records on file with ORS.
- 6) As a result of that examination, I attest that the Annual Report forms for 2010 (due April 1, 2011) have not been filed with ORS by the following telecommunications carriers as of June 28, 2011: (Exhibit A)

**EXHIBIT B**

- 7) I researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition. I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.



**JEANNE GORDON**

**Database Manager – Special Projects**

**Office of Regulatory Staff**

1401 Main Street, Suite 900

Columbia, South Carolina 29201

Sworn and subscribed before me  
this 29<sup>th</sup> day of June, 2011



Notary Public for South Carolina

My Commission Expires: May 3<sup>rd</sup> 2017

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. 2011- \_\_\_\_\_ - C**

IN RE: Petition of the Office of Regulatory	)	
Staff for Commission to Order a	)	
Rule to Show Cause as to Why	)	
The Certificates of	)	CERTIFICATE OF SERVICE
Public Convenience and	)	
Necessity for Certain Providers of	)	
Telecommunications Services	)	
Should Not be Revoked	)	

This is to certify that I, Kelly A. Hanrahan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED AND DIRECT TESTIMONY OF JEANNE GORDON** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

National Registered Agents, Inc.  
2 Office Park Court  
Suite 103  
Columbia, SC 29223

  
Kelly A. Hanrahan

June 29, 2011  
Columbia, South Carolina